

FILED

JUN 17 2005

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

U.S. DISTRICT COURT
CLARKSBURG, WV 26301

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal No. 1:05 CR 04

DANIEL WILSON TESTERMAN,


Defendant.

MOTION TO CONTINUE

NOW COMES the Defendant, **DANIEL WILSON TESTERMAN**, by and through his attorney, **GEORGE J. COSENZA**, and moves the Court to continue the trial in the above-cited case scheduled to begin on Monday, June 20, 2005, on the grounds that counsel for the defense is currently experiencing health problems and is not able to fully participate in the trial. (See attached correspondence from Dr. Gabriel Majjub).

Defendant's counsel will be available for trial, subject to the Court's schedule, the first two weeks of October.

Dated this 17th day of June, 2005.



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To: The Honorable Judge Irene Keeley
United States District Court

From: A. Gabriel Maijub, M.D., Ph.D.
Family Medicine

Re: George Cosenza, Esquire

Mr. Cosenza is a patient of mine whom I have treated for the past three years. Mr. Cosenza is presently under acute care secondary to syncopal episodes of unknown etiology. Presently we have him equipped with a 30 day event monitor in the hopes of capturing every possible dysrhythmia that may be causing his present urgent medical problems. I feel that Mr. Cosenza's appearance in your court as presently scheduled would be detrimental to his health. Therefore I appeal to you for a postponement on his behalf. I appreciate your help in this matter.

Respectfully submitted,


A. Gabriel Maijub, M.D., Ph.D.

FAMILY PRACTICE


David J. Byler, M.D.
William E. Cartwright, M.D.
David T. Cramer, M.D.
Stephan D. Hanna, M.D.
A. Gabriel Maijub, M.D., Ph.D.
Steven D. Richards, M.D.
Richard W. Watson, M.D.

INTERNAL MEDICINE / PEDIATRICS

Joan R. Aliman, D.O.
Laurie W. Harper, M.D.
John V. Onestinghel, M.D.

CERTIFICATE OF SERVICE

The undersigned counsel for Defendant, **DANIEL WILSON TESTERMAN**, hereby certifies that he served the foregoing **MOTION TO CONTINUE** upon the Plaintiff, **UNITED STATES OF AMERICA**, by depositing a true copy thereof in the United States mail, postage prepaid, addressed to Sherry L. Muncy, Assistant United States Attorney, Clarksburg Federal Center, 320 West Pike Street, Suite 300, Clarksburg, West Virginia, 26301-2710 on this 17 day of June, 2005.


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